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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DARLENE ISAAC; and HAROLD ROLAND HOWMAN, JR.,

Case No.: 2:19-cv-1452

**Werner Enterprises, Inc's Jury Demand & Answer to Complaint**

Plaintiffs,

vs.

NICHOLAS FORCILLO, an individual, WERNER ENTERPRISES, INC., a foreign corporation, DOES I through X, inclusive; and/or ROE CORPORATIONS I through X, inclusive,

Defendants.

Werner Enterprises requests a jury trial and answers the complaint as follows:

1. Admit.
2. Werner lacks information sufficient to determine whether the allegations in this paragraph are accurate. It must deny them at this time.
3. Werner lacks information sufficient to determine whether the allegations in this paragraph are accurate. It must deny them at this time.
4. This paragraph contains no factual allegations. If it does, they are denied.
5. Werner lacks information sufficient to determine whether the allegations in this paragraph are accurate. It must deny them at this time.
6. Admit.
7. Werner admits the factual allegations in this paragraph, with the exception that it is organized in Nebraska.

- 1 8. This paragraph contains no factual allegations. If it does, they are denied.
- 2 9. Werner lacks information sufficient to determine whether the allegations in this paragraph
- 3 are accurate. It must deny them at this time.
- 4 10. Werner lacks information sufficient to determine whether the allegations in this paragraph
- 5 are accurate. It must deny them at this time.
- 6 11. Werner lacks information sufficient to determine whether the allegations in this paragraph
- 7 are accurate. It must deny them at this time.
- 8 12. Werner lacks information sufficient to determine whether the allegations in this paragraph
- 9 are accurate. It must deny them at this time.
- 10 13. Werner admits that Mr. Forcillo was within the course and scope of his agency with Werner
- 11 at the times relevant to this case. Werner denies the remaining allegations in this paragraph.
- 12 14. Werner admits Plaintiffs' truck was parked at the TA truck stop located at 8050 Dean
- 13 Martin Drive in Clark County, Nevada, but lacks information sufficient to determine
- 14 whether the remaining allegations in this paragraph are accurate. It must deny them at this
- 15 time.
- 16 15. Admit, except that the direction of travel may have been west to south.
- 17 16. Admit.
- 18 17. Admit.
- 19 18. Admit.
- 20 19. Werner admits that Mr. Forcillo was within the course and scope of his agency with Werner
- 21 at the times relevant to this case.
- 22 20. Werner repeats its responses to the preceding paragraphs.
- 23 21. Admit.
- 24 22. Admit.
- 25 23. Deny.
- 26 24. Deny.
- 27 25. Deny.
- 28 26. Werner repeats its responses to the preceding paragraphs.

1 27. Werner admits that Mr. Forcillo was within the course and scope of his agency with Werner  
2 at the times relevant to this case and that he was driving the vehicle on July 4, 2017.

3 28. Admit.

4 29. Werner repeats its responses to the preceding paragraphs.

5 30. Deny.

6 31. Deny.

7 32. Deny.

8 33. Deny.

9 34. Deny.

10 35. Deny.

11 36. Deny.

12 37. Deny.

13 38. Deny.

14 39. Deny.

15 40. Werner repeats its responses to the preceding paragraphs.

16 41. Deny.

17 42. Deny.

18 43. Admit.

19 44. Admit.

20 45. Deny.

21 46. Deny.

22 **Affirmative Defenses**

23 1. The events described in the complaint were caused by the acts or omissions of a third  
24 person or persons over whom Werner had no control.

25 2. Plaintiffs were comparatively negligent.

26 3. Plaintiffs did not mitigate damages.

27 4. The damages Plaintiffs allege were proximately caused by an intervening, superseding  
28 cause.

## Request for Relief

Werner requests the case be dismissed with prejudice.

DATED this 21<sup>st</sup> day of August, 2019.



BY: /s/ Michael Lowry

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Attorneys for Werner Enterprises, Inc.

## Certificate of Service

Pursuant to FRCP 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on August 21, 2019, I served **Werner Enterprises, Inc.’s Jury Demand & Answer to Complaint** as follows:

by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

Adam Ganz, Esq.  
Majorie Hauf, Esq.  
**GANZ & HAUF**  
8950 W. Tropicana Avenue, Ste. 1  
Las Vegas, NV 89147  
Attorneys for Darlene Isaac and Harold Roland  
Howman, Jr

BY: /s/ Michael Lowry  
An Employee of

